

## Update: Juvenile Traffic Benchbook

### CHAPTER 9

#### Elements of Selected Criminal Traffic Offenses

##### 9.13 “Zero Tolerance” Violations—§625(6)

###### D. Issues

Insert the following text at the beginning of Section 9.13(D) on page 9-35:

In *People v Haynes*, \_\_\_ Mich App \_\_\_, \_\_\_ (2003), the Court of Appeals upheld the use of a prior uncounselled juvenile adjudication for a “zero tolerance” violation for the purposes of enhancement. The Court held that “a trial court may consider prior juvenile delinquency adjudications obtained without the benefit of counsel in determining a defendant’s sentence where the prior adjudication did not result in imprisonment.” *Id.* at \_\_\_. The Court reaffirmed existing case law permitting use of prior uncounselled misdemeanor convictions for enhancement where counsel was not required for the prior offenses or where the prior adjudications did not result in imprisonment. *People v Reichenbach*, 459 Mich 109 (1998); *People v Daoust*, 228 Mich App 1, 17–19 (1998).